



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

**ISSUED TO ["the Permittee"]:**

Stony Brook Energy Center – MMWEC  
P. O. Box 426  
Moody Street  
Ludlow, Massachusetts 01056

**INFORMATION RELIED UPON:**

Application No. 1-O-10-005  
Transmittal No. X232364

**FACILITY LOCATION:**

Stony Brook Energy Center – MMWEC  
327 Moody Street  
Ludlow, Massachusetts 01056

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420001  
FMF FAC NO.: 131039  
FMF RO NO.: 50000

**NATURE OF BUSINESS:**

Electric Power & Steam Generation

Standard Industrial Classification (SIC): 4911  
North American Industrial Classification System  
(NAICS): 221112

**RESPONSIBLE OFFICIAL:**

Name: Edward Kaczinski  
Title: Director, Engineering and Generation Assets

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**This Operating Permit shall expire on January 28, 2018.**

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

January 28, 2013  
Date

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## **SPECIAL CONDITIONS FOR OPERATING PERMIT**

### **1. PERMITTED ACTIVITIES**

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee (hereinafter "MMWEC") is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

#### **A. DESCRIPTION OF FACILITY AND OPERATIONS**

The MMWEC facility is an electric power generation facility largely consisting of five General Electric MS7001E combustion turbines located on Moody Street in Ludlow, Massachusetts. MMWEC sells the electricity to twenty-five (25) Massachusetts municipal electric systems. Emission Units 1, 2, and 3 burn natural gas or #2 fuel oil and operate in combined-cycle mode with a net total output of 350-megawatts. Emission Units 4 and 5 burn #2 fuel oil and operate in peaking mode with a net total output of 170-megawatts. The five combustion turbines were approved by MassDEP on January 31, 1979 and constructed at the facility during December 1981.

The combustion turbines are subject to 40 CFR Part 60, Subpart GG (Standards of Performance for Stationary Gas Turbines). On March 5, 2004, the United States Environmental Protection Agency (USEPA) published final standards in the Federal Register for the National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines (40 CFR Part 63, Subpart YYYY) which apply to the five combustion turbines at the facility. The combustion turbines are defined as existing stationary combustion turbines since they were constructed prior to January 14, 2003. Since the combustion turbines are considered to be existing sources, there are no applicable requirements contained in 40 CFR Part 63, Subpart YYYY. The combustion turbines are not subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments because 40 CFR 72.6(b)(1) states that simple combustion turbines that commenced commercial operation before November 15, 1990 are exempt from the requirements of the program. The term simple combustion turbines, as defined in 40 CFR 72.2, include combined cycle units which do not have auxiliary firing (duct burners). The combined cycle combustion turbines at MMWEC do not have auxiliary firing and are therefore not subject to the Acid Rain Program.

As part of this operating permit renewal application review, a compliance assurance monitoring (CAM) applicability determination was conducted. The determination concluded that the combustion turbines are exempt from complying with the CAM requirements of 40 CFR Part 64 since the emission limitations for which there is a control device are required to have a continuous compliance determination method, as defined in 40 CFR 64.1. This exemption is specified in 40 CFR 64.2(b)(1)(vi).

MMWEC has two E. Keeler, DS-40, #2 fuel oil-fired, auxiliary boilers which are both rated at a maximum of 49.8 million Btu per hour of heat input. The two auxiliary boilers were approved by MassDEP on February 9, 1981 and constructed at the facility during December 1981. MMWEC has

indicated that they intend to incorporate the use of natural gas fuel for each of the auxiliary boilers. The conversion of the #2 fuel oil-fired auxiliary boilers to oil/natural gas dual-fuel capability or to natural gas as the only fuel is exempt from the plan approval requirements of 310 CMR 7.02 in accordance with 310 CMR 7.02(2)(b)14. The use of natural gas as an available fuel for the auxiliary boilers, in addition to #2 fuel oil, has been added to Table 3 herein.

MMWEC also has a 0.644 MMBtu/hr #2 fuel oil-fired boiler used for comfort heating which was installed in November of 2005. This boiler is exempt from the plan approval requirements of 310 CMR 7.02 pursuant to 310 CMR 7.02 (2)(b)15.

On December 20, 2012, the USEPA issued final changes to the Clean Air Act standards for the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT) which apply to the two existing auxiliary boilers and the 0.644 MMBtu/hr #2 fuel oil-fired boiler since they are located at a facility which is a major source of hazardous air pollutants (HAPs). According to the Boiler MACT, the compliance date for existing boilers shall be no later than three years after the date of publication in the Federal Registrar.

MMWEC has a total of four #2 fuel oil-fired emergency stationary reciprocating internal combustion engines (RICEs) and one #2 fuel oil-fired emergency stationary RICE fire pump. The Penski-Detroit-Allison, Model: 12V-149TI, #2 fuel oil-fired emergency RICE has a maximum rating of 8.1 million Btu per hour of heat input which was approved by MassDEP on February 25, 1982 and constructed at the facility during 1981. The Cummings, Model: VT-1710-F, #2 fuel oil-fired emergency RICE fire pump has a maximum rating of 3.5 million Btu per hour of heat input and was constructed at the facility in 1981. In 2004, MMWEC constructed a Kohler Power Systems, Model: 350REOVZ, #2 fuel oil-fired emergency RICE with a maximum rating of 3.5 million Btu per hour of heat input in accordance with the requirements of 310 CMR 7.03(10). In September 2007, MMWEC constructed two EPA TIER 2 Certified, Caterpillar Model #3516C #2 fuel oil-fired emergency RICEs, each with a maximum rating of 19.3 million Btu per hour of heat input (equivalent to a rated power output of 2,000 kilowatts), in accordance with MassDEP's Environmental Results Program, 310 CMR 7.26(42). The applicable requirements of 310 CMR 7.26(42) have been incorporated into the facility's operating permit.

The emergency stationary RICEs are also subject to the federal National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ. According to Subpart ZZZZ, the Penski-Detroit-Allison, Model: 12V-149TI, RICE and the Cummings, Model: VT-1710-F, RICE fire pump are defined as existing stationary engines since they were constructed at the site prior to December 19, 2002. The only applicable requirement from Subpart ZZZZ to the existing engines is 40 CFR 63.6640(f). The other three RICE engines are considered to be new stationary engines since they were constructed after December 19, 2002 and are required to comply with Subpart ZZZZ upon startup. In addition, the two EPA TIER 2 Certified, Caterpillar Model #3516C diesel-fired emergency RICEs are subject to 40 CFR Part 60, Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines).

The facility has a remote reservoir cold cleaning degreaser which is exempt from the plan approval requirements of 310 CMR 7.02 in accordance with 310 CMR 7.03(8). However, the cold cleaning degreaser is subject to the applicable requirements of 310 CMR 7.18(1) and 7.18(8)(a)

The facility is considered to be a major source since it has the potential to emit greater than 100 tons per year of particulate matter (PM) including PM<sub>10</sub> (PM with an aerodynamic diameter equal to or less than 10 microns) and PM<sub>2.5</sub> (PM with an aerodynamic diameter equal to or less than 2.5 microns), 50 tons per year of volatile organic compounds (VOCs), 50 tons per year of nitrogen oxides (NO<sub>x</sub>), 100 tons per year of carbon monoxide, 100 tons per year of sulfur dioxide, 10 tons per year of any individual HAP (manganese) and 25 tons per year of any combination of HAPs. Therefore the facility is subject to the Operating Permit and Compliance Program pursuant to 310 CMR 7.00: Appendix C(2).

The facility is a “major stationary source” pursuant to the Emission Offsets and Nonattainment Review regulations of 310 CMR 7.00: Appendix A because the facility has the potential to emit more than 50 tons per year of NO<sub>x</sub> and more than 50 tons per year of VOCs.

The facility is a “major stationary source” pursuant to the Prevention of Significant Deterioration regulations of 40 CFR § 52.21 since it has the potential to emit more than 100 tons per year of a new source review regulated pollutant.

The owner/operator of MMWEC is subject to and shall comply with the Massachusetts Clean Air Interstate Rule (CAIR), 310 CMR 7.32 and has submitted a CAIR emission control application pursuant to 310 CMR 7.32(3). 310 CMR 7.28 has been superseded by 310 CMR 7.32.

The owner/operator of MMWEC is subject to the “Massachusetts CO<sub>2</sub> Budget Trading Program” stated at Regulation 310 CMR 7.70. This is a “cap-and-trade” system addressing carbon dioxide emissions that took effect in January 2009.

Massachusetts promulgated the 310 CMR 7.71: Reporting of Greenhouse Gas Emissions regulations on June 26, 2009. Pursuant to 310 CMR 7.71(3)(a)1., MMWEC is subject to the applicable requirements of this regulation which have been included in this operating permit.

## **2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

<b>Table 1</b>			
<b>Emission Unit (EU#)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU 1	Natural Gas and #2 Fuel Oil-Fired General Electric MS7001E Combined Cycle Combustion Turbine 1A	952 MMBtu/hr <sup>(1)</sup>	Steam Injection
EU 2	Natural Gas and #2 Fuel Oil-Fired General Electric MS7001E Combined Cycle Combustion Turbine 1B	952 MMBtu/hr <sup>(1)</sup>	Natural Gas-Dry Low NO <sub>x</sub> Burner #2 Fuel Oil-Water Injection
EU 3	Natural Gas and #2 Fuel Oil-Fired General Electric MS7001E Combined Cycle Combustion Turbine 1C	952 MMBtu/hr <sup>(1)</sup>	Steam Injection
EU 4	#2 Fuel Oil-Fired Simple Cycle Combustion Turbine 2A	952 MMBtu/hr <sup>(1)</sup>	Water Injection
EU 5	#2 Fuel Oil-Fired General Electric MS7001E Simple Cycle Combustion Turbine 2B	952 MMBtu/hr <sup>(1)</sup>	Water Injection
EU 6	E. Keeler, DS-40, #2 Fuel Oil-Fired and Natural Gas Auxiliary Boiler A	49.8 MMBtu/hr	None
EU 7	E. Keeler, DS-40, #2 Fuel Oil-Fired and Natural Gas Auxiliary Boiler B	49.8 MMBtu/hr	None
EU 8	Penski-Detroit-Allison, 12V-149TI, #2 Fuel Oil-Fired Emergency Generator	8.1 MMBtu/hr	None
EU 9	Cummings, VT-1710-F, #2 Fuel Oil-Fired Engine Fire Pump	3.5 MMBtu/hr	None
EU 10	Remote Reservoir Cold Cleaning Degreaser	n/a	None
EU 11	Kohler, #2 Fuel Oil-Fired Emergency Generator	3.5 MMBtu/hr	None
EU 12	Caterpillar Model#3516, #2 Fuel Oil-Fired Emergency Engine	19.3 MMBtu/hr	None
EU 13	Caterpillar Model#3516, #2 Fuel Oil-Fired Emergency Engine	19.3 MMBtu/hr	None
EU 14	Bryan Boilers, Model: DR650-W-FDO, #2 Fuel Oil-Fired Boiler	0.644 MMBtu/hr	None

NO<sub>x</sub> = Nitrogen Oxides

MMBtu/hr = Million British thermal units per hour

**Table 1 Foot Notes:**

**(1)** At ISO conditions (59°F, 60% relative humidity, and 29.92 inches Hg)

**3. IDENTIFICATION OF EXEMPT ACTIVITIES**

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

#### 4. APPLICABLE REQUIREMENTS

##### A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Table 3 below:

**Table 3**

EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1	#2 Fuel Oil And Natural Gas	PM <sup>(1)</sup>	None	0.04 lb/MMBtu <sup>(2)</sup>	DEP Approval #PV-78-C-004 (1/31/79)
2		NO <sub>x</sub>	None	Oil: ≤ 65 ppmvd @ 15% O <sub>2</sub> <sup>(3)</sup> Gas: ≤ 42 ppmvd @ 15% O <sub>2</sub> <sup>(3)</sup>	DEP Approval #1-B-94-021 (10/4/94) Regulation 310 CMR 7.19(7)(a)1. [a. & b.]
3				Oil/Gas: ≤ 75 ppmvd @ 15% O <sub>2</sub> <sup>(4)</sup>	40 CFR 60 Subpart GG
			As of the allowance deadline for a control period, the owners and operators of each CAIR NO <sub>x</sub> Ozone Season source and each CAIR NO <sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO <sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under 310 CMR 7.32(6)(e)1. in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO <sub>x</sub> Ozone Season units at the source, as determined in accordance with 310 CMR 7.32(8).	None	Regulation 310 CMR 7.32
		CO	None	≤ 50 ppmvd @ 15% O <sub>2</sub> <sup>(3)</sup>	DEP Approval #1-B-94-021 (10/4/94) Regulation 310 CMR 7.19(7)(a)1.c.
		sulfur in natural gas	None	≤ 0.8% sulfur by weight	40 CFR 60.333(b)



**Table 3**

<b>EU #</b>	<b>Fuel/Raw Material/</b>	<b>Pollutant</b>	<b>Operational and/or Production Limits</b>	<b>Emissions Limits/Standards</b>	<b>Applicable Regulation and/or Approval No</b>
4 5	#2 Fuel Oil	PM <sup>(1)</sup>	None	0.04 lb/MMBtu <sup>(2)</sup>	DEP Approval #PV-78-C-004 (1/31/79)
		CO	None	≤ 100 ppmvd @15% O <sub>2</sub> <sup>(4)</sup>	DEP Approval #1-B-94-021 (10/4/94) Regulation 310 CMR 7.19(7)(a)2.c.
		NO <sub>x</sub>	None	Oil: ≤ 75 ppmvd @ 15% O <sub>2</sub> <sup>(4)</sup>	DEP Approval #PV-78-C-004 (1/31/79) Regulation 310 CMR 7.19(2)(e) 40 CFR 60 Subpart GG
		As of the allowance deadline for a control period, the owners and operators of each CAIR NO <sub>x</sub> Ozone Season source and each CAIR NO <sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO <sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under 310 CMR 7.32(6)(e)1. in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO <sub>x</sub> Ozone Season units at the source, as determined in accordance with 310 CMR 7.32(8).		None	Regulation 310 CMR 7.32
1-5	All	CO <sub>2</sub>	See " Special Terms and Conditions" Section 5. Table 8a, Condition #5		310 CMR 7.70
6 7	#2 Fuel Oil And Natural Gas (310 CMR 7.02(2)(b)14.)	PM <sup>(1)</sup>	None	≤ 0.10 lb/MMBtu <sup>(2)</sup>	Regulation 310 CMR 7.02(8) TABLE 6 DEP Approval #PV-80-C-015 (2/9/81) Regulation 310 CMR 7.19(6)
1-7	#2 Fuel Oil	sulfur in fuel	None	≤ 0.17 lb sulfur/MMBtu (≈ 0.3% by weight) ≤ 0.05% by weight – July 1, 2014 through June 30, 2018 ≤ 0.0015% by weight – On and after July 1, 2018	Regulation 310 CMR 7.05(1)(a)1.
8	#2 Fuel Oil	sulfur in fuel	Operate no more than 300 hours per year (in any consecutive rolling 12 month total <sup>7</sup> )	≤ 15 ppm (≈ 0.0015% sulfur by weight)	DEP Approval #1-B-94-021 (10/4/94) Regulation 310 CMR 7.02(8)(i)2. through 5.

**Table 3**

<b>EU #</b>	<b>Fuel/Raw Material/</b>	<b>Pollutant</b>	<b>Operational and/or Production Limits</b>	<b>Emissions Limits/Standards</b>	<b>Applicable Regulation and/or Approval No</b>
9	#2 Fuel Oil	sulfur in fuel	Operate no more than 300 hours per year (in any consecutive rolling 12 month total <sup>7</sup> )	≤15 ppm (≈0.0015% sulfur by weight)	Regulation 310 CMR 7.02(8)(i)2. through 5.
10	degreasing solvent	VOC <sup>(5)</sup>	Each degreaser shall use less than 100 gallons of solvent per calendar month	None	Regulation 310 CMR 7.18(8)(a) Regulation 310 CMR 7.18(1) Regulation 310 CMR 7.03(8)
11	#2 Fuel Oil	sulfur in fuel	Operate no more than 300 hours per year (in any consecutive rolling 12 month total <sup>7</sup> )	≤15 ppm (≈0.0015% sulfur by weight)	Regulation 310 CMR 7.03(10)
12 13	#2 Fuel Oil	sulfur in fuel	Operate each engine no more than 300 hours per year (in any consecutive rolling 12 month total <sup>7</sup> )	≤15 ppm (≈0.0015% sulfur by weight)	Regulation 310 CMR 7.26(42)
		NMHC and NO <sub>x</sub>	This operating restriction includes normal maintenance and testing procedures as recommended by the manufacturer.		
		CO			
		PM <sup>1</sup>			
		Opacity			
Facility-wide	#2 Fuel Oil & Natural Gas	Smoke	None	No. 1 of "the Chart" no more than 6 minutes during any one hour, no time to exceed No. 2 of "the Chart"	Regulation 310 CMR 7.06(1)(a)
		Opacity		≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	Regulation 310 CMR 7.06(1)(b)
		Greenhouse gas <sup>6</sup>		N/A	Regulation 310 CMR 7.71 (state only)

NO<sub>x</sub> = Nitrogen Oxides  
 NMHC = Nonmethane Hydrocarbon  
 CO = Carbon Monoxide  
 VOC = Volatile Organic Compounds  
 PM = Particulate Matter  
 Opacity = exclusive of uncombined water vapor  
 lbs/MMBtu = pounds per Million British thermal units  
 ppmvd @ 15% O<sub>2</sub> = parts per million by volume, corrected to 15 percent oxygen

ppm = parts per million  
≤ = less than or equal to  
% = percent

Table 3 Foot Notes:

- (1) Particulate matter measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (2) Compliance & compliance averaging times are determined in accordance with the applicable procedures specified in 40 CFR Part 60 Appendix A.
- (3) Based on a calendar-day (24 hours) averaging time in accordance with 310 CMR 7.19(7)(a)3.
- (4) Based on a one-hour block averaging time
- (5) Petroleum hydrocarbon (contains no halogens)
- (6) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs)
- (7) To calculate the amount of a consecutive 12 month rolling period take the current calendar month amount and add it to the previous 11 calendar months total amount

**B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

<b>Table 4a</b>	
<b>EU#</b>	<b>Monitoring And Testing Requirements</b>
1 2 3	1. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(a)5., calibrate, test, and operate continuous emissions monitors (CEMs) and Data Acquisition System (DAS) to continuously monitor and record flue gas emissions of NO <sub>x</sub> , CO, and CO <sub>2</sub> .
	2. In accordance with DEP Approval #1-P-93-035 (2/8/94; amended 2/14/94), calibrate, test, and operate a continuous opacity monitoring system (COMs) including a DAS to continuously monitor and record the opacity of each unit.
	3. In accordance with DEP Approval #1-B-94-021 (10/4/94), 310 CMR 7.19(13)(b)8., and an alternative monitoring schedule approved by USEPA on April 7, 2005 (in accordance with 40 CFR 60.13(i)(2)), operate and maintain the NO <sub>x</sub> , CO, and CO <sub>2</sub> CEMs in accordance with the quality assurance provisions of 40 CFR 60 Appendix B and F except that MMWEC shall not be required to conduct a RATA or CGA for NO <sub>x</sub> , CO and CO <sub>2</sub> in any calendar quarter that the combustion turbine operates less than 168 hours. However, MMWEC must conduct a CGA at least once every four calendar quarters and a RATA at least once every eight calendar quarters, regardless of the operating hours.  If 310 CMR 7.19(13)(b) is modified by the DEP and the modification is approved by the USEPA, MMWEC may comply with the requirements of this provision via any applicable, alternate procedures specified therein.
	4. In accordance with DEP Approval #1-B-94-021 (10/4/94), ensure that the alarms (audible and visual) for the CEMs activate when emissions exceed the "ppmvd" limits established by Table 3.
	5. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(b)10., ensure that the flue gas CEM equipment operates at all times the emission unit is operating, except for periods of calibration checks, zero span adjustments, and preventive maintenance. Notwithstanding such exceptions, in all cases obtain valid data for at least 75% of the hours per day, 75% of the days per month, and 90% of the hours per quarter during which the emission unit is operating.
	6. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(b)9., calculate a calendar day average of NO <sub>x</sub> and CO emissions from a block hourly average for each hour the emission unit is operating. If 310 CMR 7.19(13)(b) is modified by the DEP and the modification is approved by the USEPA, MMWEC may comply with the requirements of this provision via any applicable, alternate procedures specified therein.
	7. In accordance with DEP Approval #1-B-94-021 (10/4/94), continuously monitor the fuel consumption of each unit.
	8. In accordance with DEP Approval #1-P-93-035 (2/8/94; amended 2/14/94), operate and maintain the opacity COMs in accordance with the quality assurance provisions of 40 CFR 60 Appendix B and F, except that the opacity monitor location requirements are waived since a location conforming exactly to the requirements does not exist.
	9. In accordance with DEP Approval #1-P-93-035 (2/8/94; amended 2/14/94) and 310 CMR 7.00 Appendix C(9)(b)3., ensure that the flue gas opacity monitoring equipment operates at all times the emission unit is operating, except for periods of calibration checks, zero span adjustments, and preventive maintenance. Notwithstanding such exceptions, in all cases obtain valid data for at least 90% of the hours per calendar year quarter during which the emission unit is operating.

**Table 4b**

EU#	Monitoring And Testing Requirements
1 2 3	<p>10. In accordance with 40 CFR §60.334(h)(4) and a custom sampling schedule approved in EPA Permit Number 002-042-MA-01 (as amended 11/2/81), monitor the sulfur content of the natural gas taken from the supply lines leading to the MMWEC facility on a semi-annual basis.</p> <p>Compliance with % sulfur-in-fuel requirement will be demonstrated through <u>testing certification</u>, which shall document that sulfur testing has been done in accordance with the applicable ASTM test methods (D129-95, D1266-91, D1552-95, D2622-92, and D4294-90 for sulfur), or any other method approved by MassDEP and EPA.</p> <p>11. In accordance with 40 CFR §60.334(h)(4) and a custom sampling schedule approved in EPA Permit Number 002-042-MA-01 (as amended 11/2/81), analyze the natural gas taken from the supply lines leading to the MMWEC facility for heating value at least once per calendar-quarter.</p>
4 5	<p>12. In accordance with DEP Approval #PV-78-C-004 (1/31/79) and 40 CFR Part 60, Subpart GG, operate for each unit a continuous monitoring system (accurate to within <math>\pm 5\%</math>) for the fuel consumption and the ratio of water to fuel being fired in each unit.</p> <p>13. In accordance with DEP Approval #1-B-94-021 (10/4/94) and correspondence from MassDEP to MMWEC dated 7/14/95, use parametric monitoring (water-to-fuel ratio) to maintain NO<sub>x</sub> and CO emissions below the limits specified in Table 3 of this Operating Permit and as the means of demonstrating compliance with the referenced emission limits.</p> <p>14. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(b)10., ensure that the parametric monitoring equipment operates at all times the emission unit is operating, except for periods of preventive maintenance. Notwithstanding such exceptions, in all cases obtain valid data for at least 90% of the hours per quarter during which the emission unit is operating.</p> <p>15. In accordance with DEP Approval #1-B-94-021 (10/4/94), equip the units with visual and audible alarms which will activate when NO<sub>x</sub> (water-to-fuel ratios) limits are exceeded</p> <p>16. In accordance with DEP Approval #PV-78-C-004 (1/31/79), operate a continuous opacity monitor (COMs) including a DAS to continuously monitor and record the opacity of each unit, and to sound an alarm when opacity limits are exceeded.</p> <p>17. In accordance with DEP Approval #PV-78-C-004 (1/31/79) and 310 CMR 7.19(13)(b)10., ensure that the COMs operates at all times the emission unit is operating, except for periods of calibration checks, zero span adjustments, and preventive maintenance. Notwithstanding such exceptions, in all cases obtain valid data for at least 90% of the hours per quarter during which the emission unit is operating.</p>
1 2 3 4 5	<p>18. In accordance with 40 CFR §60.334(h)(4) and a custom sampling schedule approved in EPA Permit Number 002-042-MA-01 (as amended 11/2/81), DEP Approval #1-B-94-021 (10/4/94), 310 CMR 7.05(1)(a)2., monitor the sulfur, nitrogen content, and higher heating value of fuel oil received at the facility.</p> <p>Compliance with % sulfur-in-fuel and % nitrogen-in-fuel requirements will be demonstrated through <u>testing certification</u>, which shall document that sulfur and nitrogen testing has been done in accordance with the applicable ASTM test methods (D129-95, D1266-91, D1552-95, D2622-92, and D4294-90 for sulfur; D3228 or D4629 for nitrogen) or any other method approved by MassDEP and EPA.</p> <p>19. In accordance with 310 CMR 7.32, monitor and test as required by the Massachusetts Clean Air Interstate Rule (CAIR).</p>

**Table 4c**

<b>EU#</b>	<b>Monitoring And Testing Requirements</b>
6 7	<p>20. In accordance with 310 CMR 7.04(4)(a), inspect and maintain each boiler in accordance with the manufacturer's recommendations and test each boiler in accordance with the manufacturer's recommendations for efficient operation (consistent with the requirements for the annual tune-up in provision <b>21</b> below) once each calendar year.</p> <p>21. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(6)(a), tune each boiler annually according to the procedure detailed in 310 CMR 7.19(6)(a) 1. thru 12.</p> <p>22. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(6)(b), at least once per month verify that the settings determined during the tune-up have not changed.</p> <p>23. In accordance with DEP Approval #1-B-94-021 (10/4/94), continuously monitor and record the fuel consumption of each unit.</p> <p>24. In accordance with 310 CMR 7.04(2)(a), ensure the boiler stack is equipped with a smoke density sensing instrument and recorder which are properly maintained in an accurate operating condition, operates continuously and is equipped with an audible alarm to signal the need for combustion equipment adjustment or repair when the smoke density is <math>\geq</math> No. 1 of "the Chart". Such smoke density equipment shall be available for inspection at reasonable times by a representative of MassDEP.</p>
8	25. In accordance with DEP Approval #1-B-94-021 (10/4/94), monitor the hours of operation of this engine.
10	26. In accordance with 310 CMR 7.18(8)(h), upon request by MassDEP, perform or have performed tests to demonstrate compliance. Testing shall be conducted in accordance with a method approved by MassDEP and EPA.
12 13	<p>27. In accordance with 310 CMR 7.26(42)(e)2., MassDEP may require emission or other monitoring to assure compliance with the requirements of 301 CMR 7.26(42).</p> <p>28. In accordance with 310 CMR 7.26(42)(d)1. and 40 CFR 60.4209(a), a non-turnback hour counter shall be installed, operated and maintained in good working order on each engine.</p> <p>29. In accordance with 310 CMR 7.26(42)(e)3., any testing when required shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. Tests to certify compliance with emission limitations must be performed in accordance with EPA reference Methods, California Air Resources Board Methods approved by EPA, or equivalent methods as approved by MassDEP and EPA.</li> <li>b. Particulate matter from liquid fuel reciprocating engines shall be determined using Method 8178 D2 of the International Organization for Standardization.</li> <li>c. Testing shall be conducted at the full design load of the emergency engine</li> <li>d. MassDEP may require emission or other testing to assure compliance with the emission limitations or fuel requirements.</li> </ul>
6 7 8 9 11 12 13	<p>30. In accordance with 310 CMR 7.05(1)(a)2. And 7.00 Appendix C(9)(b), monitor the sulfur content of each new shipment of #2 fuel oil received. Compliance with % sulfur-in-fuel requirements can be demonstrated through testing (<u>testing certification</u>) or by maintaining a shipping receipt from the fuel supplier (<u>shipping receipt certification</u>).</p> <p>The <u>testing certification</u> or <u>shipping receipt certification</u> of % sulfur-in-fuel shall document that sulfur testing has been done in accordance with the applicable ASTM test methods (D129-95, D1266-91, D1552-95, D2622-92, and D4294-90 for sulfur), or any other method approved by MassDEP and EPA.</p>

**Table 4d**

<b>Table 4d</b>	
<b>EU#</b>	<b>Monitoring And Testing Requirements</b>
Facility -wide	31. In accordance with 310 CMR 7.13 <u>Stack Testing</u> conduct stack testing, upon written request of MassDEP, for any air contaminant for which MassDEP has determined testing is necessary, to ascertain compliance with MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by MassDEP and EPA.  In accordance with 310 CMR 7.00 Appendix C(9)(b), any emission testing to demonstrate compliance with the allowable emission limits shall be in accordance with EPA Methods 1-5 for particulate matter, Method 7E for NOx, Method 10 for CO, and Method 9 for smoke/opacity, as specified in 40 CFR 60, Appendix A.
	32. In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF6 usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State only requirement)

**Table 5a**

EU#	Record Keeping Requirements
1 2 3	<ol style="list-style-type: none"> <li>1. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(d)3., maintain daily records for each unit of the fuel type(s) burned, heat content of each fuel, total heating value of the fuel consumed, actual emission rate, and the allowable emission rate.</li> <li>2. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(d)1., maintain a record of all measurements, performance evaluations, calibration checks, and maintenance or adjustments for each CEM.</li> <li>3. In accordance with DEP Approval #1-B-94-021 (10/4/94), continuously record the fuel consumption of each unit.</li> <li>4. In accordance with DEP Approval #1-B-94-021 (10/4/94) (for CEMs), and DEP Approval #1-P-93-035 (2/8/94; amended 2/14/94) and 310 CMR 7.00 Appendix C(10) (for COMs), keep daily records of: <ol style="list-style-type: none"> <li>a. CEMs/COMs data of flue gas emissions of NO<sub>x</sub>, CO, CO<sub>2</sub>, fuel consumption, MW, and opacity.</li> <li>b. calibration reports for NO<sub>x</sub>, CO and CO<sub>2</sub> analyzers and opacity meters.</li> <li>c. excess emissions of NO<sub>x</sub>, CO and opacity.</li> <li>d. the number and duration of all excess emissions including those attributable to startups/shutdowns and malfunctions.</li> <li>e. the reasons for and corrective actions taken for any periods of excess emissions or equipment malfunctions</li> <li>f. all periods that CEMs and COMs are unavailable, and the reasons for the unavailability.</li> </ol> </li> <li>5. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(13)(b)10. (for CEMs), and DEP Approval #1-P-93-035 (2/8/94; amended 2/14/94) and 310 CMR 7.00 Appendix C(10) (for COMs), maintain records of % availability of NO<sub>x</sub>, CO, CO<sub>2</sub> and opacity monitors sufficient to demonstrate compliance with the "hours per day", "days per month", and/or "hours per quarter" data capture requirements in Table 4a.</li> <li>6. In accordance with DEP Approval #1-B-94-021 (10/4/94), maintain quarterly records of the results of all cylinder gas audits (CGAs) and relative accuracy test audits (RATAs) performed on the NO<sub>x</sub>, CO and CO<sub>2</sub> CEMs.</li> <li>7. In accordance with 40 CFR §60.334(h)(4) and a custom sampling schedule approved in EPA Permit Number 002-042-MA-01 (as amended 11/2/81), maintain a file of the certificates of analysis for each analysis (sulfur content analysis done semiannually and heating value done quarterly) of natural gas supplied to the facility.</li> </ol>
1 2 3 4 5	<ol style="list-style-type: none"> <li>8. In accordance with 40 CFR §60.334(h)(4) and a custom sampling schedule approved in EPA Permit Number 002-042-MA-01 (as amended 11/2/81), DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.00 Appendix C(9)(b)2., maintain a file of the certificates of analysis which shall document the sulfur content, nitrogen content and higher heating value for each shipment of #2 fuel oil received at the facility</li> <li>9. Comply with all applicable recordkeeping requirements contained in 40 CFR 60 and 310 CMR 7.32.</li> <li>10. In accordance with 310 CMR 7.32, maintain records as required by the Massachusetts Clean Air Interstate Rule (CAIR).</li> </ol>
4 5	<ol style="list-style-type: none"> <li>11. In accordance with DEP Approval #1-B-94-021 (10/4/94), maintain daily records of the following: <ol style="list-style-type: none"> <li>a. water-to-fuel ratio and fuel consumption,</li> <li>b. all periods of excess emissions of NO<sub>x</sub> including periods due to startup/shutdown or malfunctions, and</li> <li>c. the reasons for and the corrective action taken for any periods of excess emissions.</li> </ol> </li> <li>12. In accordance with DEP Approval #PV-78-C-004 (1/31/79) and 40 CFR Part 60, Subpart GG, operate for each unit a continuous recording system (accurate to within ±5%) for the fuel consumption and the ratio of water to fuel being fired in each unit.</li> <li>13. In accordance with DEP Approval #PV-78-C-004 (1/31/79) and 310 CMR 7.00 Appendix C(10), maintain the daily records of the following: <ol style="list-style-type: none"> <li>a. opacity monitor recordings,</li> <li>b. all periods of excess emissions of opacity including periods due to startup/shutdown or malfunctions, and</li> <li>c. the reasons for and the corrective action taken for any periods of excess emissions.</li> </ol> </li> </ol>



**Table 5b**

<b>EU#</b>	<b>Record Keeping Requirements</b>
6 7	14. In accordance with DEP Approval #1-B-94-021 (10/4/94), maintain daily records of fuel consumption.
	15. In accordance with DEP Approval #1-B-94-021 (10/4/94), continuously record the fuel consumption of each unit.
	16. In accordance with DEP Approval #1-B-94-021 (10/4/94) and 310 CMR 7.19(6)(b), maintain for five years the records of the results and data from the annual tune-up.
	17. In accordance with 310 CMR 7.19(6)(b), maintain for five years the records of the monthly verification that the settings determined during the tune-up have not changed.
	18. In accordance with 310 CMR 7.04(4)(a), maintain records of the results of the inspection, maintenance, and annual testing required by this Regulation and shall post these results conspicuously on or near the boiler.
	19. In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all smoke density indicator charts and supporting information on-site for a period of at least five years from the date of the measurement or initial operating permit application.
8	20. In accordance with DEP Approval #1-B-94-021 (10/4/94), maintain weekly records of the hours of operation for the engine.
8 9 11	21. In accordance with 310 CMR 7.02(8)(i)3, maintain on site the following records for the engine: a. Information on equipment type, make and model, and maximum power input/output; and b. A monthly log(s) of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months; and c. Purchase orders, invoices, and other documents to support information in the monthly log.
10	22. In accordance with 310 CMR 7.03(6), establish and maintain a recordkeeping system on-site and in sufficient detail to document the date of construction, substantial reconstruction or alteration and that the respective emission rates, operational limitations, equipment specifications and other requirements pursuant to 310 CMR 7.03 are met. All records shall be maintained up-to-date such that year-to-date information is readily available for Department examination.
	23. In accordance with alternative recordkeeping items requested by the permittee and 310 CMR 7.00 Appendix C(10)(b), prepare and maintain records indicating that the solvent reservoir (35 gallon capacity) for each degreaser (parts washer) is not changed out more than twice per calendar month.

**Table 5c**

EU#	Record Keeping Requirements
12 13	<p>24. In accordance with 310 CMR 7.26(42)(f), the owner or operator shall maintain the records described in 310 CMR 7.26(42)(f) 1. through 4. as specified below. Such records shall be maintained on site and shall be made available to MassDEP or its designee upon request. The owner or operator shall certify that records are accurate and true in accordance with 301 CMR 7.01(2)(a) through (c).</p> <ul style="list-style-type: none"> <li>a. Information on equipment type, make and model, and rated power output; and</li> <li>b. A monthly log of hours of operation, fuel type heating value and sulfur content for fuel oil. A monthly calculation of the total hours operated in the previous 12 months; and</li> <li>c. Purchase orders, invoices, and other documents to substantiate information in the monthly log; and</li> <li>d. Copies of certificates and documents from the manufacturer related to certificates.</li> </ul>
6 7 8 9 11 12 13	<p>25. In accordance with 310 CMR 7.00 Appendix C(10)(b), record the certification from the fuel supplier for each shipment of #2 fuel oil to be used which shall include the following information:</p> <ul style="list-style-type: none"> <li>a. The name of the oil supplier;</li> <li>b. Percent sulfur content (by weight); and</li> <li>c. The location where the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility or other location. As an alternative, MMWEC may elect to analyze the oil immediately after the fuel storage tank is filled and before any oil is combusted for each new shipment according to methods approved by the MassDEP. These records shall be maintained on-site.</li> </ul>
Facility -wide	<p>26. In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</p>
	<p>27. In accordance with 310 CMR 7.12(3)(b), maintain copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12, which shall be retained by the facility owner or operator for five years from the date of submittal.</p>
	<p>28. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)</p>

**Table 6a**

EU#	Reporting Requirements <sup>(1)</sup>
1 2 3	<p>1. In accordance with DEP Approval #1-B-94-021 (10/4/94), 310 CMR 7.19(13)(d)2., and 310 CMR 7.00 Appendix C(10), submit a report to MassDEP and EPA regional office by the 30<sup>th</sup> day of the month following the preceding calendar year quarter. The report shall, as a minimum, include:</p> <ul style="list-style-type: none"> <li>a. the date and time of commencement and completion of each period of excess emission and the magnitude of the excess emissions for each hour;</li> <li>b. identification of the suspected reason for the excess emissions and any corrective action taken;</li> <li>c. the date and time that any CEMs stopped collecting valid data and when it started to collect valid data again, except for zero and span checks;</li> <li>d. the nature and date of system repairs</li> <li>e. the total number of fired hours for each unit;</li> <li>f. a summary of any excursions caused by startup, shutdown and malfunctions;</li> <li>g. a summary of the daily, monthly and quarterly availability of the NO<sub>x</sub>, CO, CO<sub>2</sub> and opacity analyzers of each unit and an explanation of any period(s) which does not meet the applicable requirement;</li> <li>h. summary results of any applicable quality assurance testing (i.e., CGA, RATA).</li> </ul> <p>2. In accordance with an alternative monitoring schedule approved by USEPA on April 7, 2005 (in accordance with 40 CFR 60.13(i)(2)), comply with all reporting requirements for all quarters regardless of hours of operation.</p>
4 5	<p>3. In accordance with DEP Approval #1-B-94-021 (10/4/94), 310 CMR 7.19(13)(d)2., and 310 CMR 7.00 Appendix C(10), submit a report to MassDEP and EPA regional office by the 30<sup>th</sup> day of the month following the preceding calendar year quarter. The report shall, as a minimum, include:</p> <ul style="list-style-type: none"> <li>a. the date and time of commencement and completion of each period of excess emission and the magnitude of the excess emissions for each hour;</li> <li>b. identification of the suspected reason for the excess emissions and any corrective action taken;</li> <li>c. the date and time that any CEMs stopped collecting valid data and when it started to collect valid data again;</li> <li>d. the nature and date of system repairs;</li> <li>e. the total number of fired hours for each unit; and</li> <li>f. a summary of any excursions from permitted emissions levels (as measured by the CEMs and COMs) including those caused by startup, shutdown and malfunctions, and an explanation of these excursions.</li> </ul>
1 2 3 4 5	<p>4. In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten days of written request by MassDEP or EPA.</p> <p>5. Comply with all applicable reporting requirements contained in 40 CFR 60 and 310 CMR 7.32.</p> <p>6. In accordance with 310 CMR 7.32, submit reports as required by the Massachusetts Clean Air Interstate Rule (CAIR).</p> <p>7. Report NO<sub>x</sub> emissions data directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter.</p> <p>8. Provide notification of QA testing for Relative Accuracy Test Audits (RATAs) and 40 CFR Part 75 Appendix E/LME (Low Mass Emission) unit tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61 and to the DEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p> <p>A previously approved RATA protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous DEP protocol comments to the satisfaction of the DEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p>

<b>Table 6b</b>	
<b>EU#</b>	<b>Reporting Requirements<sup>(1)</sup></b>
1 2 3 4 5	9. Submit a hardcopy of the QA RATA or 40 CFR Part 75 Appendix E/LME test results to the DEP Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).
	10. Report results from QA daily Calibrations, quarterly Linearity checks and Appendix D Fuel Flow-meter tests electronically in the EDR submittal for the quarter in which the testing occurs.
8 9 11	11. In accordance with 310 CMR 7.02(8)(i)4., make available the monthly log(s) and records established under 310 CMR 7.02(8)(i)3. to MassDEP or its designee upon request. The owner or operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2).
10	12. In accordance with 310 CMR 7.03(5) report to MassDEP any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, on the next required source registration.
12 13	13. In accordance with 310 CMR 7.26(42)(f), make available the monthly log(s) and records established under 310 CMR 7.26(42)(f) to MassDEP or its designee upon request. The owner or operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2).
Facility-wide	14. Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis as required by 310 CMR 7.12.
	15. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.
	16. In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA.
	17. In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	18. Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.
	19. In accordance with 310 CMR 7.71(5), by April 15 <sup>th</sup> , 2010 and April 15 <sup>th</sup> of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO <sub>2</sub> e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (State only requirement)
	20. In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by MassDEP or the registry. (State only requirement)
	21. In accordance with 310 CMR 7.71(7), by December 31 <sup>st</sup> of the applicable year submit to MassDEP documentation of triennial verification of the greenhouse gas emissions report. (State only requirement)

**Table 6 Foot Notes:**

**(1)** The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. ***All other reports, including both 6-month summary reports, are to be submitted to the Western Regional***

*Office.*

**C. GENERAL APPLICABLE REQUIREMENTS**

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et seq. and 310 CMR 8.00 et. Seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>Regulation</b>	<b>Reason</b>
310 CMR 7.27	Superseded by 310 CMR 7.28 and 7.32
310 CMR 7.28	As of January 1, 2009, this regulation is no longer applicable; it was superseded by 310 CMR 7.32.
40 CFR Part 64 –Compliance Assurance Monitoring	Not applicable
40 CFR 63 Subpart T: National Emission Standards for Halogenated Solvent Cleaning	Not applicable
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 people.

## **5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

<b>Table 8a</b>	
<b>Special Terms and Conditions</b>	
1 2 3	1. In accordance with DEP Approval #1-B-94-021 (10/4/94; amended 10/18/95) and 310 CMR 7.19(7)(a)3., exclude periods of start-up, shut-down, or malfunction from the calculation to determine the calendar-day average NOx and CO emissions from the affected gas turbines, provided that the duration of start-up, shut-down, or malfunction shall not exceed three (3) hours per occurrence. The definitions of start-up, shut-down, and malfunction are those which are found in 40 CFR 60.2.
4 5	2. In accordance with DEP Approval #1-B-94-021 (amendment dated 10/18/95), adhere to the emission limits in Table 3 except for periods of start-up, shut-down, or malfunction provided that the duration of start-up, shut-down, or malfunction shall not exceed one (1) hour per occurrence. The definitions of start-up, shut-down, and malfunction are those which are found in 40 CFR 60.2.
1 2 3	3. EU # 1,2,3,4 and 5 are subject to the federal Standards of Performance for Stationary Gas Turbines, 40 CFR Part 60.330 through 60.335 and shall comply with all applicable standards.
4 5	4. EU # 1,2,3,4 and 5 are subject to and shall comply with the Massachusetts Clean Air Interstate Rule (CAIR), 310 CMR 7.32, and has submitted a CAIR emission control application pursuant to 310 CMR 7.32(3).
	5. The owner/operator of EU#1 2,3,4 and 5 are subject to the Massachusetts CO <sub>2</sub> Budget Trading Program, 310 CMR 7.70 and shall comply with all applicable requirements therein. In accordance with 310 CMR 7.70(3)(b), the CO <sub>2</sub> authorized account representative shall submit a complete CO <sub>2</sub> budget emission control plan under 310 CMR 7.70(3)(c) covering EU#1 2,3,4 and 5 to MassDEP on or before August 1, 2008.
6 7	6. In accordance with DEP Approval #PV-80-C-015 (2/9/81), only operate one of these units at a time.
6 7 14	7. EU #6,7 and 14 are subject to the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR Part 63.7480 through 63.7575 and shall comply with all applicable standards no later than three years after the date of publication in the Federal Registrar.
8 9	8. In accordance with 310 CMR 7.02(8)(i)2., operate the engine no more than a total of 300 hours per any rolling 12 month period, and only during: <ul style="list-style-type: none"> <li>a. The normal maintenance and testing procedure as recommended by the manufacturer, and</li> <li>b. Periods of electric power outage due to failure of the grid, in whole or in part, onsite disaster, local equipment failure, flood, fire or natural disaster, and</li> <li>c. When the imminent threat of a power outage is likely due to failure of the electrical supply or when capacity deficiencies result in a deviation of voltage from the electrical supplier to the premises of 3% above or 5% below standard voltage, or periods during which the regional transmission organization directs the implementation of voltage reductions, voluntary load curtailments by customers, or automatic or manual load shedding within Massachusetts in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other emergency conditions.</li> </ul>
	9. In accordance with 40 CFR 63.6590(b)(3)(iii), an existing emergency stationary RICE with a site rating of more than 500 brake horsepower located at a major source of HAP emissions does not have to meet the requirements of 40 CFR Part 63, Subpart ZZZZ and of 40 CFR Part 63 Subpart A including initial notification requirements of 40 CFR 63.6645(f).

**Table 8b**

**Special Terms and Conditions**

8 9	<p>10. In accordance with 40 CFR 63.6640(f)(2)(i) through (iii), operate the engine according to the conditions described in 40 CFR 63.6640(f)(2)(i) through (iii). If you do not operate the engine according to the requirements in 40 CFR 63.6640(f)(2)(i) through (iii), as specified in a. through c. below, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p> <ul style="list-style-type: none"> <li>a. There is no time limit on the use of emergency stationary RICE in emergency situations.</li> <li>b. You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance.</li> <li>c. You may operate your emergency stationary RICE for an additional 50 hours per year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</li> </ul>
10	<p>11. In accordance with 301 CMR 7.18(1)(c), store and dispose of volatile organic compounds (VOCs) in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover. Proper disposal shall include incineration in an incinerator approved by MassDEP, transfer to another person licensed by MassDEP to handle VOC, or any other equivalent method approved by MassDEP.</p> <p>12. In accordance with 310 CMR 7.18(8)(a)1., use solvent in the cold cleaning degreaser which has a vapor pressure that does not exceed 1.0 mm Hg measured at 20 degrees Celsius. This requirement shall not apply to the following:</p> <ul style="list-style-type: none"> <li>a. cold cleaning degreasers used in special and extreme solvent metal cleaning;</li> <li>b. cold cleaning degreasers for which the owner or operator has received Department approval of a demonstration that compliance with the requirement to use a solvent with a vapor pressure of 1.0 mm Hg or less at 20 degrees Celsius will result in unsafe operating condition; and</li> <li>c. cold cleaning degreasers that are located in a permanent total enclosure having control equipment that is designed and operated with an overall VOC control efficiency of 90% or greater.</li> </ul> <p>13. In accordance with 310 CMR 7.18(8)(a)2., immediately repair any leaks, or the degreaser shall be shut down.</p> <p>14. In accordance with 310 CMR 7.18(8)(a)3., ensure the remote solvent reservoir has an open drain area less than 100 square centimeters, otherwise the requirements of 310 CMR 7.18(8)(a)3.a.-e. shall apply.</p> <p>15. In accordance with 310 CMR 7.18(8)(e)1. through 3, operate any solvent metal degreaser using procedures which minimize evaporative emissions and prohibit spills from the use of said degreaser. Such procedures include but are not limited to:</p> <ul style="list-style-type: none"> <li>a. notification to operators of the performance requirements that must be practiced in the operation of the degreaser, including the permanent and conspicuous posting of labels in the vicinity of the degreaser detailing performance requirements; and</li> <li>b. storage of waste degreasing solvent in closed containers, and disposal or transfer of waste degreasing solvent to another party, in a manner such that less than 20% of the waste degreasing solvent by weight can evaporate in to the atmosphere; and</li> <li>c. where applicable, supplying a degreasing solvent spray which is a continuous fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed ten pounds per square inch as measured at the pump outlet, and use any such spray within the confines of the degreaser.</li> </ul> <p>16. In accordance with 310 CMR 7.18(8)(f), maintain instantaneous and continuous compliance at all times.</p>
11	<p>17. In accordance with 310 CMR 7.03(10)(a)2., ensure the engine is equipped with an exhaust silencer so that sound emissions do not cause or contribute to a condition of air pollution.</p> <p>18. In accordance with 310 CMR 7.03(10)(a)3, ensure that the engine utilizes an exhaust stack that discharges so as to not cause or contribute to a condition of air pollution.</p>

**Table 8c**

**Special Terms and Conditions**

11	<p>19. In accordance with 310 CMR 7.03(10)(a)4., operate the engine no more than a total of 300 hours per any rolling 12 month period, and only during:</p> <ul style="list-style-type: none"> <li>a. The normal maintenance and testing procedure as recommended by the manufacturer, and</li> <li>b. Periods of electric power outage due to failure of the grid, in whole or in part, onsite disaster, local equipment failure, flood, fire or natural disaster, and</li> <li>c. When the imminent threat of a power outage is likely due to failure of the electrical supply or when capacity deficiencies result in a deviation of voltage from the electrical supplier to the premises of 3% above or 5% below standard voltage, or periods during which the regional transmission organization directs the implementation of voltage reductions, voluntary load curtailments by customers, or automatic or manual load shedding within Massachusetts in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other emergency conditions.</li> </ul> <p>20. In accordance with 40 CFR 63.6640(f)(2)(i) through (iii), operate the engine according to the conditions described in 40 CFR 63.6640(f)(2)(i) through (iii). If you do not operate the engine according to the requirements in 40 CFR 63.6640(f)(2)(i) through (iii), as specified in a. through c. below, the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p> <ul style="list-style-type: none"> <li>a. There is no time limit on the use of emergency stationary RICE in emergency situations.</li> <li>b. You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. Required testing of such units should be minimized, but there is no time limit on the use of emergency stationary RICE in emergency situations and for routine testing and maintenance.</li> <li>c. You may operate your emergency stationary RICE for an additional 50 hours per year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</li> </ul>
11 12 13	<p>21. In accordance with 40 CFR 63.6590(b)(1)(i), a new emergency stationary RICE with a site rating of more than 500 brake horsepower located at a major source of HAP emissions does not have to meet the requirements of 40 CFR Part 63, Subpart ZZZZ and of 40 CFR Part 63 Subpart A except for the initial notification requirements of 40 CFR 63.6645(f).</p>
12 13	<p>22. EU #12 and #13 are subject to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines 40 CFR 60.4200 through 60.4219 and shall comply with all applicable requirements.</p> <p>23. In accordance with 310 CMR 7.26(42)(d)2., each engine shall be operated and maintained in accordance with the manufacturer's recommended operating and maintenance procedures.</p> <p>24. In accordance with 310 CMR 7.26(42)(d)3., each engine and its associated equipment shall be constructed, located, operated and maintained in a manner to comply with the requirements of 310 CMR 7.10: <i>Noise</i>.</p> <p>25. In accordance with 310 CMR 7.26(42)(d)4.a., each engine shall utilize an exhaust stack that discharges so as to not cause a condition of air pollution (310 CMR 7.01(1)). Exhaust stacks shall be configured to discharge the combustion gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted combustion gases, including but not limited to rain protection devices "shanty caps" and "egg beaters". Any emission impacts of exhaust stacks upon sensitive receptors including, but not limited to, people, windows and doors that open, and building fresh air intakes shall be minimized by employing good air pollution control engineering practices. Such practices include without limitation:</p> <ul style="list-style-type: none"> <li>a. Avoiding location that may be subject to downwash of the exhaust; and</li> <li>b. Installing stack(s) of sufficient height in locations that will prevent and minimize flue gas impacts upon sensitive receptors.</li> </ul>



**Table 8d**

<b>Special Terms and Conditions</b>	
12 13	<p>26. In accordance with 310 CMR 7.26(42)(d)4.c., each engine with a rated power output equal to or greater than one megawatt shall be equipped with a stack with a minimum stack height of 1.5 times the height of the building on which the stack is located. If the stack is lower than 1.5 times the building height or lower than the height of a structure that is within 5L of the stack (5L being five times the lesser of the height or maximum projected width of the structure), an EPA Guideline air quality model shall be run to document that the operation of the applicable emergency engine will not cause an exceedance of any National Ambient Air Quality Standard.</p> <p>27. In accordance with 40 CFR 60.4207, beginning October 1, 2010, owners and operators of stationary compression ignition internal combustion engines subject to 40 CFR Part 60 Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must purchase diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.</p> <p>28. In accordance with 40 CFR 60.4211(a):</p> <ul style="list-style-type: none"> <li>a. operate and maintain each engine according to the manufacturer's emission-related written instructions;</li> <li>b. change only those emission –related settings that are permitted by the manufacturer; and</li> <li>c. meet the requirements of 40 CFR Parts 89, 94 and/or 1068, as they apply to you.</li> </ul> <p>29. In accordance with 40 CFR 60.4211(f), emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. The owner or operator may petition the USEPA and MassDEP for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. Emergency stationary ICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited.</p> <p>30. In accordance with 40 CFR 60.4211(g)(3), if you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows: you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.</p>

**Table 8e**

**Special Terms and Conditions**

12 13	<p>31. In accordance with 40 CFR 60.4212(c), exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the not-to-exceed (NTE) numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:</p> <p style="padding-left: 40px;">NTE requirement for each pollutant = (1.25) × (STD)      (Eq. 1)</p> <p>Where:</p> <p>STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.  Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in §60.4213 of this subpart, as appropriate.</p>
	<p>32. In accordance with 40 CFR 63.6640(f)(1)(i) through (iii), operate the engine according to the conditions described in 40 CFR 63.6640(f)(1)(i) through (iii). If you do not operate the engine according to the requirements in 40 CFR 63.6640(f)(1)(i) through (iii), the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p> <p style="padding-left: 40px;">a. There is no time limit on the use of emergency stationary RICE in emergency situations.</p> <p style="padding-left: 40px;">b. You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.</p> <p style="padding-left: 40px;">c. You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by 40 CFR 63.6640 (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.</p>
8 9 11 12 13	<p>33. EU #8, 9, 11, 12 and 13 are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines 40 CFR Part 63.6580 through 63.6675 and shall comply with all applicable requirements.</p>

Table 8f	
Special Terms and Conditions	
Facility -wide	34. The Permittee is subject to, and has stated in their Operating Permit application, that the Permittee is in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.

CFR = Code of Federal Regulations

RICE = Reciprocating Internal Combustion Engine

## **6. ALTERNATIVE OPERATING SCENARIOS**

The Permittee did not request alternative operating scenarios in its Operating Permit application.

## **7. EMISSIONS TRADING**

### **A. INTRA-FACILITY EMISSION TRADING**

The Permittee did not request intra-facility emissions trading in its Operating Permit application.

### **B. INTER-FACILITY EMISSION TRADING**

The Permittee did not request inter-facility emissions trading in its Operating Permit application.

## **8. COMPLIANCE SCHEDULE**

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

### **10. COMPLIANCE CERTIFICATION**

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

#### **A. Annual Compliance Report and Certification**

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

#### **B. Semi-Annual Monitoring Summary Report and Certification**

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

## **12. PERMIT SHIELD**

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

C. Nothing in this Permit shall alter or affect the following:

- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
- 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **14. PERMIT TERM**

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

### **15. PERMIT RENEWAL**

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

## **16. REOPENING FOR CAUSE**

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

## **17. DUTY TO PROVIDE INFORMATION**

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

## **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

## **20. PROPERTY RIGHTS**

This Permit does not convey any property rights of any sort, or any exclusive privilege.

## **21. INSPECTION AND ENTRY**

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:



- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;

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<sup>1</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

## **25. PERMIT DEVIATION**

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the

above-mentioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.

- 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this facility, and the United

States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.